



Rep. Greg Harris

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LRB099 05889 KTG 36314 a

1 AMENDMENT TO SENATE BILL 788

2 AMENDMENT NO. _____. Amend Senate Bill 788, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 2, on page 1, line 4, by inserting after "The" the following:

5 "Illinois Administrative Procedure Act is amended by changing
6 Section 5-45 as follows:

7 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

8 Sec. 5-45. Emergency rulemaking.

9 (a) "Emergency" means the existence of any situation that
10 any agency finds reasonably constitutes a threat to the public
11 interest, safety, or welfare.

12 (b) If any agency finds that an emergency exists that
13 requires adoption of a rule upon fewer days than is required by
14 Section 5-40 and states in writing its reasons for that
15 finding, the agency may adopt an emergency rule without prior
16 notice or hearing upon filing a notice of emergency rulemaking

1 with the Secretary of State under Section 5-70. The notice
2 shall include the text of the emergency rule and shall be
3 published in the Illinois Register. Consent orders or other
4 court orders adopting settlements negotiated by an agency may
5 be adopted under this Section. Subject to applicable
6 constitutional or statutory provisions, an emergency rule
7 becomes effective immediately upon filing under Section 5-65 or
8 at a stated date less than 10 days thereafter. The agency's
9 finding and a statement of the specific reasons for the finding
10 shall be filed with the rule. The agency shall take reasonable
11 and appropriate measures to make emergency rules known to the
12 persons who may be affected by them.

13 (c) An emergency rule may be effective for a period of not
14 longer than 150 days, but the agency's authority to adopt an
15 identical rule under Section 5-40 is not precluded. No
16 emergency rule may be adopted more than once in any 24 month
17 period, except that this limitation on the number of emergency
18 rules that may be adopted in a 24 month period does not apply
19 to (i) emergency rules that make additions to and deletions
20 from the Drug Manual under Section 5-5.16 of the Illinois
21 Public Aid Code or the generic drug formulary under Section
22 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
23 emergency rules adopted by the Pollution Control Board before
24 July 1, 1997 to implement portions of the Livestock Management
25 Facilities Act, (iii) emergency rules adopted by the Illinois
26 Department of Public Health under subsections (a) through (i)

1 of Section 2 of the Department of Public Health Act when
2 necessary to protect the public's health, (iv) emergency rules
3 adopted pursuant to subsection (n) of this Section, (v)
4 emergency rules adopted pursuant to subsection (o) of this
5 Section, or (vi) emergency rules adopted pursuant to subsection
6 (c-5) of this Section. Two or more emergency rules having
7 substantially the same purpose and effect shall be deemed to be
8 a single rule for purposes of this Section.

9 (c-5) To facilitate the maintenance of the program of group
10 health benefits provided to annuitants, survivors, and retired
11 employees under the State Employees Group Insurance Act of
12 1971, rules to alter the contributions to be paid by the State,
13 annuitants, survivors, retired employees, or any combination
14 of those entities, for that program of group health benefits,
15 shall be adopted as emergency rules. The adoption of those
16 rules shall be considered an emergency and necessary for the
17 public interest, safety, and welfare.

18 (d) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 1999 budget,
20 emergency rules to implement any provision of Public Act 90-587
21 or 90-588 or any other budget initiative for fiscal year 1999
22 may be adopted in accordance with this Section by the agency
23 charged with administering that provision or initiative,
24 except that the 24-month limitation on the adoption of
25 emergency rules and the provisions of Sections 5-115 and 5-125
26 do not apply to rules adopted under this subsection (d). The

1 adoption of emergency rules authorized by this subsection (d)
2 shall be deemed to be necessary for the public interest,
3 safety, and welfare.

4 (e) In order to provide for the expeditious and timely
5 implementation of the State's fiscal year 2000 budget,
6 emergency rules to implement any provision of this amendatory
7 Act of the 91st General Assembly or any other budget initiative
8 for fiscal year 2000 may be adopted in accordance with this
9 Section by the agency charged with administering that provision
10 or initiative, except that the 24-month limitation on the
11 adoption of emergency rules and the provisions of Sections
12 5-115 and 5-125 do not apply to rules adopted under this
13 subsection (e). The adoption of emergency rules authorized by
14 this subsection (e) shall be deemed to be necessary for the
15 public interest, safety, and welfare.

16 (f) In order to provide for the expeditious and timely
17 implementation of the State's fiscal year 2001 budget,
18 emergency rules to implement any provision of this amendatory
19 Act of the 91st General Assembly or any other budget initiative
20 for fiscal year 2001 may be adopted in accordance with this
21 Section by the agency charged with administering that provision
22 or initiative, except that the 24-month limitation on the
23 adoption of emergency rules and the provisions of Sections
24 5-115 and 5-125 do not apply to rules adopted under this
25 subsection (f). The adoption of emergency rules authorized by
26 this subsection (f) shall be deemed to be necessary for the

1 public interest, safety, and welfare.

2 (g) In order to provide for the expeditious and timely
3 implementation of the State's fiscal year 2002 budget,
4 emergency rules to implement any provision of this amendatory
5 Act of the 92nd General Assembly or any other budget initiative
6 for fiscal year 2002 may be adopted in accordance with this
7 Section by the agency charged with administering that provision
8 or initiative, except that the 24-month limitation on the
9 adoption of emergency rules and the provisions of Sections
10 5-115 and 5-125 do not apply to rules adopted under this
11 subsection (g). The adoption of emergency rules authorized by
12 this subsection (g) shall be deemed to be necessary for the
13 public interest, safety, and welfare.

14 (h) In order to provide for the expeditious and timely
15 implementation of the State's fiscal year 2003 budget,
16 emergency rules to implement any provision of this amendatory
17 Act of the 92nd General Assembly or any other budget initiative
18 for fiscal year 2003 may be adopted in accordance with this
19 Section by the agency charged with administering that provision
20 or initiative, except that the 24-month limitation on the
21 adoption of emergency rules and the provisions of Sections
22 5-115 and 5-125 do not apply to rules adopted under this
23 subsection (h). The adoption of emergency rules authorized by
24 this subsection (h) shall be deemed to be necessary for the
25 public interest, safety, and welfare.

26 (i) In order to provide for the expeditious and timely

1 implementation of the State's fiscal year 2004 budget,
2 emergency rules to implement any provision of this amendatory
3 Act of the 93rd General Assembly or any other budget initiative
4 for fiscal year 2004 may be adopted in accordance with this
5 Section by the agency charged with administering that provision
6 or initiative, except that the 24-month limitation on the
7 adoption of emergency rules and the provisions of Sections
8 5-115 and 5-125 do not apply to rules adopted under this
9 subsection (i). The adoption of emergency rules authorized by
10 this subsection (i) shall be deemed to be necessary for the
11 public interest, safety, and welfare.

12 (j) In order to provide for the expeditious and timely
13 implementation of the provisions of the State's fiscal year
14 2005 budget as provided under the Fiscal Year 2005 Budget
15 Implementation (Human Services) Act, emergency rules to
16 implement any provision of the Fiscal Year 2005 Budget
17 Implementation (Human Services) Act may be adopted in
18 accordance with this Section by the agency charged with
19 administering that provision, except that the 24-month
20 limitation on the adoption of emergency rules and the
21 provisions of Sections 5-115 and 5-125 do not apply to rules
22 adopted under this subsection (j). The Department of Public Aid
23 may also adopt rules under this subsection (j) necessary to
24 administer the Illinois Public Aid Code and the Children's
25 Health Insurance Program Act. The adoption of emergency rules
26 authorized by this subsection (j) shall be deemed to be

1 necessary for the public interest, safety, and welfare.

2 (k) In order to provide for the expeditious and timely
3 implementation of the provisions of the State's fiscal year
4 2006 budget, emergency rules to implement any provision of this
5 amendatory Act of the 94th General Assembly or any other budget
6 initiative for fiscal year 2006 may be adopted in accordance
7 with this Section by the agency charged with administering that
8 provision or initiative, except that the 24-month limitation on
9 the adoption of emergency rules and the provisions of Sections
10 5-115 and 5-125 do not apply to rules adopted under this
11 subsection (k). The Department of Healthcare and Family
12 Services may also adopt rules under this subsection (k)
13 necessary to administer the Illinois Public Aid Code, the
14 Senior Citizens and Disabled Persons Property Tax Relief Act,
15 the Senior Citizens and Disabled Persons Prescription Drug
16 Discount Program Act (now the Illinois Prescription Drug
17 Discount Program Act), and the Children's Health Insurance
18 Program Act. The adoption of emergency rules authorized by this
19 subsection (k) shall be deemed to be necessary for the public
20 interest, safety, and welfare.

21 (l) In order to provide for the expeditious and timely
22 implementation of the provisions of the State's fiscal year
23 2007 budget, the Department of Healthcare and Family Services
24 may adopt emergency rules during fiscal year 2007, including
25 rules effective July 1, 2007, in accordance with this
26 subsection to the extent necessary to administer the

1 Department's responsibilities with respect to amendments to
2 the State plans and Illinois waivers approved by the federal
3 Centers for Medicare and Medicaid Services necessitated by the
4 requirements of Title XIX and Title XXI of the federal Social
5 Security Act. The adoption of emergency rules authorized by
6 this subsection (l) shall be deemed to be necessary for the
7 public interest, safety, and welfare.

8 (m) In order to provide for the expeditious and timely
9 implementation of the provisions of the State's fiscal year
10 2008 budget, the Department of Healthcare and Family Services
11 may adopt emergency rules during fiscal year 2008, including
12 rules effective July 1, 2008, in accordance with this
13 subsection to the extent necessary to administer the
14 Department's responsibilities with respect to amendments to
15 the State plans and Illinois waivers approved by the federal
16 Centers for Medicare and Medicaid Services necessitated by the
17 requirements of Title XIX and Title XXI of the federal Social
18 Security Act. The adoption of emergency rules authorized by
19 this subsection (m) shall be deemed to be necessary for the
20 public interest, safety, and welfare.

21 (n) In order to provide for the expeditious and timely
22 implementation of the provisions of the State's fiscal year
23 2010 budget, emergency rules to implement any provision of this
24 amendatory Act of the 96th General Assembly or any other budget
25 initiative authorized by the 96th General Assembly for fiscal
26 year 2010 may be adopted in accordance with this Section by the

1 agency charged with administering that provision or
2 initiative. The adoption of emergency rules authorized by this
3 subsection (n) shall be deemed to be necessary for the public
4 interest, safety, and welfare. The rulemaking authority
5 granted in this subsection (n) shall apply only to rules
6 promulgated during Fiscal Year 2010.

7 (o) In order to provide for the expeditious and timely
8 implementation of the provisions of the State's fiscal year
9 2011 budget, emergency rules to implement any provision of this
10 amendatory Act of the 96th General Assembly or any other budget
11 initiative authorized by the 96th General Assembly for fiscal
12 year 2011 may be adopted in accordance with this Section by the
13 agency charged with administering that provision or
14 initiative. The adoption of emergency rules authorized by this
15 subsection (o) is deemed to be necessary for the public
16 interest, safety, and welfare. The rulemaking authority
17 granted in this subsection (o) applies only to rules
18 promulgated on or after the effective date of this amendatory
19 Act of the 96th General Assembly through June 30, 2011.

20 (p) In order to provide for the expeditious and timely
21 implementation of the provisions of Public Act 97-689,
22 emergency rules to implement any provision of Public Act 97-689
23 may be adopted in accordance with this subsection (p) by the
24 agency charged with administering that provision or
25 initiative. The 150-day limitation of the effective period of
26 emergency rules does not apply to rules adopted under this

1 subsection (p), and the effective period may continue through
2 June 30, 2013. The 24-month limitation on the adoption of
3 emergency rules does not apply to rules adopted under this
4 subsection (p). The adoption of emergency rules authorized by
5 this subsection (p) is deemed to be necessary for the public
6 interest, safety, and welfare.

7 (q) In order to provide for the expeditious and timely
8 implementation of the provisions of Articles 7, 8, 9, 11, and
9 12 of this amendatory Act of the 98th General Assembly,
10 emergency rules to implement any provision of Articles 7, 8, 9,
11 11, and 12 of this amendatory Act of the 98th General Assembly
12 may be adopted in accordance with this subsection (q) by the
13 agency charged with administering that provision or
14 initiative. The 24-month limitation on the adoption of
15 emergency rules does not apply to rules adopted under this
16 subsection (q). The adoption of emergency rules authorized by
17 this subsection (q) is deemed to be necessary for the public
18 interest, safety, and welfare.

19 (r) In order to provide for the expeditious and timely
20 implementation of the provisions of this amendatory Act of the
21 98th General Assembly, emergency rules to implement this
22 amendatory Act of the 98th General Assembly may be adopted in
23 accordance with this subsection (r) by the Department of
24 Healthcare and Family Services. The 24-month limitation on the
25 adoption of emergency rules does not apply to rules adopted
26 under this subsection (r). The adoption of emergency rules

1 authorized by this subsection (r) is deemed to be necessary for
2 the public interest, safety, and welfare.

3 (s) In order to provide for the expeditious and timely
4 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
5 the Illinois Public Aid Code, emergency rules to implement any
6 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
7 Public Aid Code may be adopted in accordance with this
8 subsection (s) by the Department of Healthcare and Family
9 Services. The rulemaking authority granted in this subsection
10 (s) shall apply only to those rules adopted prior to July 1,
11 2015. Notwithstanding any other provision of this Section, any
12 emergency rule adopted under this subsection (s) shall only
13 apply to payments made for State fiscal year 2015. The adoption
14 of emergency rules authorized by this subsection (s) is deemed
15 to be necessary for the public interest, safety, and welfare.

16 (t) In order to provide for the expeditious and timely
17 implementation of the provisions of Sections 5-5b.2 and 5A-2 of
18 the Illinois Public Aid Code, emergency rules to implement any
19 provision of Section 5-5b.2 or Section 5A-2 of the Illinois
20 Public Aid Code may be adopted in accordance with this
21 subsection (t) by the Department of Healthcare and Family
22 Services. The rulemaking authority granted in this subsection
23 (t) shall apply only to those rules adopted on or after July 1,
24 2015. Notwithstanding any other provision of this Section, any
25 emergency rule adopted under this subsection (t) shall only
26 apply to payments made for State fiscal year 2016. The adoption

1 of emergency rules authorized by this subsection (t) is deemed
2 to be necessary for the public interest, safety, and welfare.

3 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;
4 98-651, eff. 6-16-14; 99-2, eff. 3-26-15.)

5 Section 6. The"; and

6 on page 37, line 4, after the period, by inserting "All 340B
7 dispensing fees shall be reduced by 2.25% from the rates in
8 effect as of April 30, 2015."; and

9 on page 40, line 16, by replacing "(s)" with "(t)"; and

10 on page 59, line 1, replacing "(s)" with "(t)"; and

11 on page 60, line 21, replacing "(s)" with "(t)".